

BILL NO. 82-62
AS AMENDED

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COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 82-62 (AS AMENDED)

Council President Hardwicke at the request
of the County Executive

Introduced by

Legislative Day No. 82-26

Date August 3, 1982

AN EMERGENCY ACT to repeal and re-enact with amendments Section 2-4, heading, Acquisition and Transfer of Real Property, of Article I, heading, In General, of Chapter 2, heading, Administration, of the Harford County Code, as amended; to provide that disposition of property by Harford County be in conformance with state law; and further to provide that real property be purchased and disposed of in accordance with the provisions of this Act and rules and regulations adopted to enforce this Act.

By the Council, August 3, 1982

Introduced, read first time, ordered posted and public hearing scheduled

on: September 7, 1982

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place
of hearing and title of Bill having been published according to the

Charter, a public hearing was held on September 7, 1982

and concluded on September 7, 1982.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from
existing law. Underlining indicates language
added to Bill by amendment. Language lined
through indicates matter stricken out of Bill
by amendment.

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1 Section 1. *Be It Enacted By The County Council of Harford County,*
2 *Maryland,* that various sale sections of Section 2-4, heading,
3 Acquisition and Transfer of Real Property, of Article I, heading,
4 In General, of Chapter 2, heading, Administration of the Harford
5 County Code, as amended, be, and it is hereby repealed and re-
6 enacted with amendments; and it is hereby added to the Harford
7 County Code, as amended, all to read as follows:

8 Article I. In General.

9 Section 2-3.1. Joppatowne Utility Company. The County may enter
10 into a contract with Maryland Environmental Services in such form
11 as shall be mutually agreed upon whereunder Maryland Environmental
12 Services shall be given the responsibility for the operation of
13 the properties currently being operated by the Joppatowne Utility
14 Company.

15 (a) The County may employ the services of Maryland Environ-
16 mental Services with respect to the condemnation of the property
17 of the Joppatowne Utility Company.

18 (b) The County may employ the services of Maryland Environ-
19 mental Services with respect to the issuance and selling of bonds
20 for the purpose of the acquisition of sufficient funds for the
21 purchase of the Joppatowne Utility Company by condemnation.

22 (c) The County may do and enter into such other acts and
23 contracts as shall be necessary to implement the intent of this
24 Section.

25 Section 2-4. [Acquisition and] SALE OR Transfer of Real Property.

26 (a) The County is hereby authorized and empowered to lease,
27 trade, sell, convey and exchange any real property together with
28 any improvements thereon. [If the property is determined to be
29 no longer needed for public purposes.]

30 (b) Procedure for Sale or Transfer of Real Property:
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1 (1) Prior to County property being sold or otherwise
2 transferred, the property must be declared to be surplus property
3 no longer needed for public purposes.

4 (2) In order to be declared surplus property, the
5 following procedure shall be adhered to:

6 (A) The County Executive shall initiate a study to
7 determine whether the property should be declared surplus. After
8 completion of the study, if the County Executive determines that
9 the property should be declared surplus, he shall forward his
10 recommendations to the County Council.

11 (B) The County Council, after an advertised
12 public hearing, shall decide whether the property should be
13 declared surplus. If the Council rejects the recommendation of
14 the County Executive, the property shall remain County property.
15 If the County Council accepts the recommendation of the County
16 Executive, it shall adopt a resolution declaring that the property
17 is surplus and that the property shall be sold or transferred in
18 accordance with this act.

19 (c) Format for sale [or transfer]. Sales [or transfers] of
20 real property shall be by public auction, and notice of PROPOSED
21 [auction] sales shall be given by publication for three (3)
22 consecutive weeks in two (2) newspapers regularly published in the
23 County. The notice shall state:

24 (1) The place, day and hour of the sale.

25 (2) The description of the property to be sold.

26 (3) The price below which the property will not be
27 sold.

28 (4) That the property will be sold at public auction to
29 the highest bidder for cash, or for terms acceptable to the
30 Treasurer.

1 (5) That the County shall have the right to reject any
2 and all bids.

3 (6) That all costs and expenses, including advertising
4 costs, in connection with the sale of the property, shall be paid
5 by the successful bidder[, and].

6 (7) That all sales are subject to approval by the Board
7 of Estimates.

8 (8) That the proceeds derived from the sale shall be
9 deposited with the County Treasurer.

10 (d) Exempt Transactions.

11 (1) Exempt from the provisions of Section 2-4[(c)] are
12 sales of real property to another governmental entity, including,
13 but not limited to, United States government, State of Maryland,
14 other Maryland counties, incorporated towns and cities in Maryland
15 and the Harford County Board of Education. Transfers of County
16 property under this subsection shall be by private sale. Private
17 sale, under this Subsection only, shall include a transfer with or
18 without consideration, an equal exchange of properties of equal or
19 greater value, or a gift of County property to another govern-
20 mental entity.

21 (2) Surplus property received by the County from the
22 Board of Education of Harford County pursuant to state law, may be
23 transferred by the County to another governmental entity within
24 Harford County upon terms agreeable to the County and the govern-
25 mental entity. The County may enter into multiple party agree-
26 ments involving the transfer of Board of Education property if it
27 is in the best interest of the County.

28 [(f) Special Exemptions:

29 (1)] (3) Easements for the public utilities may be
30 transferred without compliance with [subsection (b), (c) or (e)]
31 Section 2-4.
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1 [(2)] (4) The transfer of paper roads (roads established
2 by plat or deed, but never utilized as a roadway) are also exempt
3 from the requirements of Section 2-4 [(b), (c) or (e)].

4 [(j)] (5) The provisions of this Section 2-4 shall not
5 apply to any sale, acquisition, trade, lease or other disposition
6 of real property undertaken pursuant to Section 266A to 266I,
7 inclusive of Article 41 of the Annotated Code of Maryland (1978
8 Replacement Volume, 1980 Cumulative Supplement), as amended (In-
9 dustrial Development Bonds), or pursuant to Sections 13-101 to 13-
10 317, inclusive, of the financial institutions Article of the
11 Annotated Code of Maryland (1980), as amended (Maryland Industrial
12 Development Financing Authority).

13 (e) Notice, Objections. All transfers of property pursuant
14 to this Section shall comply with Article 25A, Section 5, of the
15 Annotated Code of Maryland.

16 [(g) Purchase of Real Property. Sections 2-4(g), 2-4(h),
17 and 2-4(i) apply to the purchase of real property only.

18 (1) The County may acquire real property in accordance
19 with law and in compliance with the capital budget.

20 (2) Procedures for the purchase of real property:

21 (A) An agency desiring to purchase property shall
22 request the Director of Procurement to appoint a property acquisi-
23 tion committee. The Committee shall first prepare a written
24 report generally describing the reasons the property is required,
25 amount of land needed, amount of funds available for the purchase
26 and, if available, identification of possible sites or location of
27 potential property. The report shall be confidential and not for
28 public inspection.

29 (B) The committee or a designated member thereof
30 shall pursue, through regular real estate means, the identifi-
31 cation of possible sites.
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1 (C) When a final site is chosen by the committee,
2 the committee shall report this information to the appropriate
3 department or agency head. Upon concurrence with the report, the
4 department or agency head shall request the Director of Procurement
5 to contract with at least two (2) appraisers to prepare written
6 appraisal reports on the property.

7 (D) Upon receipt of the appraiser's report, a
8 designated committee member shall then proceed to negotiate with
9 the owner(s) of the land for purchase of the property.

10 (E) If the property owner(s) and the County fail
11 to come to an agreement as to a fair purchase price, the County
12 may proceed to condemn the land in accordance with State law. If
13 the parties reach an agreement on a price and conditions of sale,
14 they shall execute a provisional sales contract. The contract
15 shall provide that it is subject to approval by the County Board
16 of Estimates. If the Board approves the contract, the property
17 shall be purchased by the County in accordance with the terms of
18 the contract.

19 (h) Trade, Leases of County Property.

20 (1) Trade of property between Harford County and a
21 private person, firm or corporation, or another governmental
22 entity, is authorized provided:

23 (A) Notice of the proposed trade is given pursuant
24 to Subsection 2-4(e) of this Section, and an appraisal of the
25 property is made by a County approved appraiser.

26 (B) A public hearing is held by the County Council.

27 (C) The trade of property is approved by the
28 County Council.

29 (2) Lease of County Property:

30 (A) Notice of intent to lease is made according to
31 Subsection 2-4(e).
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1 (B) The property shall be leased to the highest
2 responsible bidder in accordance with the County Procurement Law.

3 (C) County Council approval is not required for
4 any lease of County property unless the lease term is for more
5 than one (1) year, including renewal or option periods.

6 (3) Road, water and sewer and other public utility
7 easements shall be acquired in accordance with rules and regula-
8 tions adopted by the Department of Public Works.

9 (i) The Director of Procurement is hereby authorized to
10 promulgate rules and regulations to further implement this act in
11 accordance with Section 807 of the Harford County Charter.]

12 (f) ACQUISITION, LEASE, AND DISPOSITION OF REAL PROPERTY.

13 (1) THE DIRECTOR OF PROCUREMENT IS HEREBY AUTHORIZED TO
14 PROMULGATE RULES AND REGULATIONS PURSUANT TO SECTION 807 OF THE
15 HARFORD COUNTY CHARTER TO GOVERN THE ACQUISITION, LEASE, OR
16 DISPOSITION OF REAL PROPERTY IN HARFORD COUNTY IN ACCORDANCE WITH
17 STATE LAW, INCLUDING, BUT NOT LIMITED TO, COMPLIANCE WITH ARTICLE
18 25A, SECTION 5 OF THE ANNOTATED CODE OF MARYLAND.

19 (2) COUNTY COUNCIL APPROVAL IS REQUIRED FOR ANY LEASE
20 OF COUNTY PROPERTY IF THE LEASE TERM IS FOR MORE THAN SEVEN (7)
21 YEARS, INCLUDING RENEWAL OR OPTION PERIODS.

22 Section 2. *And Be It Further Enacted*, that this Act is hereby
23 declared to be an Emergency Act necessary for the protection of
24 County property and shall take effect on the date it becomes law.

25 EFFECTIVE: October 18, 1982

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AS AMENDED

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BY THE COUNCIL

Read the third time, BILL NO. 82-62 (as amended)

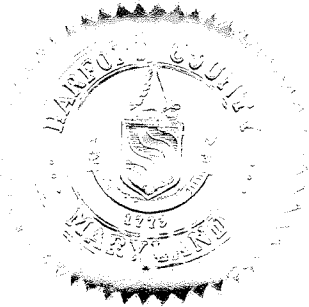
Passed LSD 82-31 (October 5, 1982) (with amendments)

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 6th day of October, 1982
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

Thomas G. Gurranger
County Executive
Date October 18, 1982

BY THE COUNCIL

This Bill (No. 82-62 (as amended)), having been approved by
the Executive and returned to the Council, becomes law on
October 18, 1982.

Angela Markowski, Secretary

Rec'd & Recorded 2-14 1983 at 1:00 PM
W. Libal & examined per
H. Douglas Chilcoat, Clerk, Harford Co.

EFFECTIVE DATE: October 18, 1982

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